

P.L. 91-287 LAWS OF 91st CONG.—2nd SESS.

June 23

GOVERNMENT RECORDS—DISPOSAL

For Legislative History of Act, see p. 2167

PUBLIC LAW 91-287; 84 STAT. 320

[H. R. 14360]

An Act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Chapter 33 (relating to disposal of records) of title 44, United States Code,³⁶ is amended by inserting immediately after section 3303 thereof the following new section:

“§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

“(a) The Administrator of General Services shall examine the lists and schedules submitted to him under section 3303 of this title. If the Administrator determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may—

“(1) notify the agency to that effect; and

“(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

“(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive.

“(c) The Administrator may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

“(1) those particular records may be of special interest to the Congress; or

“(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Administrator to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

36. 44 U.S.C.A. § 3303a.

"(d) The Administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

"(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

"(f) The Administrator shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter."

Sec. 2. (a) Section 3303 (relating to disposal of similar records where prior disposal was authorized) of title 44, United States Code,³⁷ is amended by striking out "by Congress".

(b) Section 3309 (relating to preservation of claims of Government until settled in General Accounting Office) of title 44, United States Code,³⁸ is amended by striking out "under sections 3306-3308 of this title" and inserting in lieu thereof "under this chapter".

(c) The following sections of chapter 33 of title 44, United States Code,³⁹ are hereby repealed:

(1) section 3304 (relating to lists and schedules of records lacking preservation value and their submission to Congress by the Administrator of General Services);

(2) section 3305 (relating to examination of lists and schedules by the joint congressional committee for the disposition of certain records of the United States Government and the report of that joint committee to the Congress);

(3) section 3306 (relating to disposal of records by agency heads upon notification by the Administrator of General Services of the action of the joint congressional committee); and

(4) section 3307 (relating to disposal of records upon failure of the joint congressional committee to act).

Sec. 3. The table of sections of chapter 33 of title 44, United States Code, is amended by striking out—

"3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.

"3305. Examination of lists and schedules by joint congressional committee and report to Congress.

"3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.

"3307. Disposal of records upon failure of joint congressional committee to act."

and inserting in lieu thereof—

"3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records."

Sec. 4. Section 2909 (relating to retention of records) of title 44, United States Code,⁴⁰ is amended by striking out "approved by Congress" wherever occurring therein.

Approved June 23, 1970.

37. 44 U.S.C.A. § 3308.

38. 44 U.S.C.A. § 3309.

39. 44 U.S.C.A. §§ 3304 to 3307.

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